IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

OP.No. 11067 of 1999(P)

PETITIONERS:
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1. KALYANI,
CHAKKUKULANGARA PARAMBU,
SOUTH PARUR.

2. RAJU, S/O.DAVAKI NARAYANAN,
CHAKKUKULANGARA PARAMBU, SOUTH PARUR.

***ADDL.P3 TO P6 ARE IMPLEADED:**

P3. SARALA, D/O.LATE KALYANI,
MULLAMTHADATHIL HOUSE, KULAYETTIKKARA, KEECHERI.

P4. SANTHA, D/O.LATE KALYANI,
PUTHENVEETTIL, N.A.D.P.O., NECHUMA, ALUVA.

P5. C.K.SASI, S/O.LATE KALYANI,
PANIKKASSERIL HOUSE, S.PARUR.

P6. C.M.HARIDAS, S/O.LATE KALYANI,
AGED 53, CHAKKAMKULANGARA HOUSE,
S.PARUR.

(*ADDL.P3 TO P6 ARE IMPLEADED AS PER ORDER DTD. 15/06/06
IN I.A.NO.6395/2006)

BY ADV. SRI.S.SREEKUMAR
SRI.P.JAYABAL MENON

..2/-

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY ITS SECRETARY,
   VYDHYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. **THE ASSISTANT ENGINEER,**
   ELECTRICAL SECTION,
   KERALA STATE ELECTRICITY BOARD, UDAYAMPEROOR,
   ERNAKULAM DISTRICT.

3. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION,
   KERALA STATE ELECTRICITY BOARD, TRIPUNITHURA.

4. **ROSAMMA GEORGE,**
   KAITHAKOTTIL HOUSE, SOUTH PARUR, ERNAKULAM DISTRICT.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, KSEB
SRI.C.K.ARAVINDAKSHA MENON
SRI.K.C.CHARLES
SRI.PRAKASH P.GEORGE
SRI.GRASHIOUS KURIAKOSE for R4
SRI.C.K.KARUNAKARAN, SC FOR KSEB for R1,R2 & R3

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.17976/1999 IN O.P.NO.11067/1999 P

DISMISSED

15/06/2007 **SD/- T.R.RAMACHANDRAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF ROUGH SKETCH SHOWING THE LIE OF THE PROPERTY OF THE PETITIONER.**

EXT.P2: **COPY OF NOTICE DTD. 19/06/1998 ISSUED BY THE 2ND RESPONDENT.**

EXT.P3: **COPY OF ADVOCATE NOTICE DTD. 25/03/1998.**

EXT.P4: **COPY OF WRITTEN OBJECTION DTD. 26/08/92.**

EXT.P5: **COPY OF OBJECTION DTD. 27/08/98 BEFORE THE 2ND RESPONDENT.**

EXT.P6: **COPY OF LETTER DTD. 25/08/98 ISSUED BY THE 2ND RESPONDENT.**

EXT.P7: **COPY OF APPEAL DTD. 8/12/1998 BEFORE THE 3RD RESPONDENT.**

EXT.P8: **COPY OF APPEAL DTD. 8/12/1998 BEFORE THE 3RD RESPONDENT.**

EXT.P9; **COPY OF ORDER DTD. 31/03/99 BY THE 3RD RESPONDENT.**

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): **COPY OF THE REPORT DTD. 19/10/2006.**

EXT.R1(B): **COPY OF SKETCH.**

4TH RESPONDENT'S EXHIBITS:

EXT.R4(A): **COPY OF CONSENT FOR PROPERTY CROSSING EXECUTED BY SMT. CICILY JOHN AND THE 1ST PETITIONER TOGETHER.**

EXT.R4(B): **COPY OF THE SY.SKETCH OF FIELD NO.657 OF MANAKUNNAM VILLAGE.**

EXT.R4(C): **COPY OF CONSENT FOR PROPERTY CROSSING EXECUTED BY (ROSAMMA GEORGE) 4TH RESPONDENT AND DEVAKY NARAYANAN TOGETHER.**

EXT.R4(D): **COPY OF THE DECISION NO.II (Ia) DATED 16/08/2001 OF UDAYAMPEROOR GRAMA PANCHAYATH ISSUED BY THE SECRETARY, UDAYAMPEROOR GRAMA PANCHAYATH.**

/TRUE COPY/

KSS

T.R. Ramachandran Nair, J.

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O.P.NO.11067 of 1999-P

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Dated this the 15th day of June, 2007

JUDGMENT

This original petition is filed by the petitioners challenging Ext. P9 order passed by the second respondent. The issue relates to the shifting of an electric line drawn to give connection to the petitioners.

2. This court by an order dated 22.9.2006 (based on the agreement of parties), directed the second respondent to conduct an enquiry as regards the proposal submitted by the parties before this court and to file a report showing the probable expenses involved for shifting to be paid by the petitioners, if the proposal can be implemented. Pursuant to the same, a report has been submitted before this court by the Standing Counsel for the Board along with an affidavit filed by the Assistant Executive Engineer, Electrical Section, Udayamperoor. The proposal made by the respondents is the following:

> "But if an electric post is inserted in the line on west side of the existing post (U.P.202/1A) with 1.2 m statutory clearance with compound wall, it will be then feasible (Red lines in sketch)."

It is agreed on both sides that the above report can be accepted and the work can be directed to be done as suggested above. It is also agreed on both sides that the expenses for the same will have to be met by the petitioners which on a rough estimate, will be Rs.13,600/-.

Therefore, the report and sketch are accepted. The petitioners are directed to deposit the above said amount before the second respondent within a period of one month from today and the respondents are hereby directed to complete the entire work within a period of one month thereafter. In case the petitioners fail to comply with the above direction, the order Ext.P9 will govern the issue.

The original petition is disposed of accordingly.

(T.R. Ramachandran Nair, Judge.)

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T.R. Ramachandran Nair, J.

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O.P.NO.11067 of 1999-P

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JUDGMENT

15th day of June, 2007